



Sen. Don Harmon

Filed: 5/17/2009

09600HB3987sam001

LRB096 11406 JDS 26996 a

1 AMENDMENT TO HOUSE BILL 3987

2 AMENDMENT NO. _____. Amend House Bill 3987 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Energy Efficient Commercial Building Act is
5 amended by changing Sections 1, 5, 10, 15, 20, and 45 as
6 follows:

7 (20 ILCS 3125/1)

8 Sec. 1. Short title. This Act may be cited as the Energy
9 Efficient ~~Commercial~~ Building Act.

10 (Source: P.A. 93-936, eff. 8-13-04.)

11 (20 ILCS 3125/5)

12 Sec. 5. Findings.

13 (a) The legislature finds that an effective energy
14 efficient ~~commercial~~ building code is essential to:

15 (1) reduce the air pollutant emissions from energy

1 consumption that are affecting the health of residents of
2 this State;

3 (2) moderate future peak electric power demand;

4 (3) assure the reliability of the electrical grid and
5 an adequate supply of heating oil and natural gas; and

6 (4) control energy costs for residents and businesses
7 in this State.

8 (b) The legislature further finds that this State has a
9 number of different climate types, all of which require energy
10 for both cooling and heating, and that there are many
11 cost-effective measures that can reduce peak energy use and
12 reduce cooling, heating, lighting, and other energy costs in
13 ~~commercial~~ buildings.

14 (Source: P.A. 93-936, eff. 8-13-04.)

15 (20 ILCS 3125/10)

16 Sec. 10. Definitions.

17 "Board" means the Capital Development Board.

18 "Building" includes both residential buildings and
19 commercial buildings.

20 "Code" means the latest published edition of the
21 International Code Council's International Energy Conservation
22 Code, excluding published supplements but including the
23 adaptations to the Code that are made by the Board.

24 "Commercial building" means any building except a building
25 that is a residential building, as defined in this Section.

1 "Department" means the Department of Commerce and Economic
2 Opportunity.

3 "Municipality" means any city, village, or incorporated
4 town.

5 "Residential building" means a building containing one or
6 more dwelling units, not exceeding 4 stories above grade, where
7 occupants are primarily permanent. ~~(i) a detached one family or~~
8 ~~2 family dwelling or (ii) any building that is 3 stories or~~
9 ~~less in height above grade that contains multiple dwelling~~
10 ~~units, in which the occupants reside on a primarily permanent~~
11 ~~basis, such as a townhouse, a row house, an apartment house, a~~
12 ~~convent, a monastery, a rectory, a fraternity or sorority~~
13 ~~house, a dormitory, and a rooming house.~~

14 (Source: P.A. 93-936, eff. 8-13-04; 94-815, eff. 5-26-06.)

15 (20 ILCS 3125/15)

16 Sec. 15. Energy Efficient Building Code. The Board, in
17 consultation with the Department, shall adopt the Code as
18 minimum requirements for commercial buildings, applying to the
19 construction of, renovations to, and additions to all
20 commercial buildings in the State. The Board, in consultation
21 with the Department, shall also adopt the Code as the minimum
22 and maximum requirements for residential buildings, applying
23 to the construction of all residential buildings in the State,
24 except as provided for in Section 45 of this Act. The Board may
25 appropriately adapt the International Energy Conservation Code

1 to apply to the particular economy, population distribution,
2 geography, and climate of the State and construction therein,
3 consistent with the public policy objectives of this Act.

4 (Source: P.A. 93-936, eff. 8-13-04.)

5 (20 ILCS 3125/20)

6 Sec. 20. Applicability.

7 (a) The Board shall adopt the Code within 9 months after
8 its publication. The Code shall take effect within 3 months ~~one~~
9 ~~year~~ after it is adopted by the Board and shall apply to any
10 new ~~commercial~~ building or structure in this State for which a
11 building permit application is received by a municipality or
12 county, except as otherwise provided by this Act. In the case
13 of any addition, alteration, renovation, or repair to an
14 existing commercial structure, the Code adopted under this Act
15 applies only to the portions of that structure that are being
16 added, altered, renovated, or repaired.

17 (b) The following buildings shall be exempt from the Code:

18 (1) Buildings otherwise exempt from the provisions of a
19 locally adopted building code and buildings that do not
20 contain a conditioned space.

21 (2) Buildings that do not use either electricity or
22 fossil fuel for comfort conditioning. For purposes of
23 determining whether this exemption applies, a building
24 will be presumed to be heated by electricity, even in the
25 absence of equipment used for electric comfort heating,

1 whenever the building is provided with electrical service
2 in excess of 100 amps, unless the code enforcement official
3 determines that this electrical service is necessary for
4 purposes other than providing electric comfort heating.

5 (3) Historic buildings. This exemption shall apply to
6 those buildings that are listed on the National Register of
7 Historic Places or the Illinois Register of Historic
8 Places, and to those buildings that have been designated as
9 historically significant by a local governing body that is
10 authorized to make such designations.

11 (4) (Blank). ~~Residential buildings.~~

12 (5) Other buildings specified as exempt by the
13 International Energy Conservation Code.

14 (c) Additions, alterations, renovations, or repairs to an
15 existing building, building system, or portion thereof shall
16 conform to the provisions of the Code as they relate to new
17 construction without requiring the unaltered portion of the
18 existing building or building system to comply with the Code.
19 The following need not comply with the Code, provided that the
20 energy use of the building is not increased: (i) storm windows
21 installed over existing fenestration, (ii) glass-only
22 replacements in an existing sash and frame, (iii) existing
23 ceiling, wall, or floor cavities exposed during construction,
24 provided that these cavities are filled with insulation, and
25 (iv) construction where the existing roof, wall, or floor is
26 not exposed.

1 (d) A unit of local government that does not regulate
2 energy efficient building standards is not required to adopt,
3 enforce, or administer the Code; however, any energy efficient
4 building standards adopted by a unit of local government must
5 comply with this Act. If a unit of local government does not
6 regulate energy efficient building standards, any
7 construction, renovation, or addition to buildings or
8 structures is subject to the provisions contained in this Act.

9 (Source: P.A. 93-936, eff. 8-13-04.)

10 (20 ILCS 3125/45)

11 Sec. 45. Home rule. Except as otherwise provided in this
12 Section, no ~~No~~ unit of local government, including any home
13 rule unit, may regulate energy efficient building standards for
14 commercial buildings in a manner that is less stringent than
15 the provisions contained in this Act.

16 Except as otherwise provided in this Section, no unit of
17 local government, including any home rule unit, may regulate
18 energy efficient building standards for residential buildings
19 in a manner that is either less or more stringent than the
20 standards established pursuant to this Act. However, a
21 municipality with a population of 1,000,000 or more or a
22 municipality that has adopted and regulates energy efficient
23 building standards for residential buildings that are
24 equivalent to or more stringent than the standards established
25 pursuant to this Act may regulate energy efficient building

1 standards in a manner that is equivalent to or more stringent
2 than the standards established pursuant to this Act.

3 Except as otherwise provided in this Section, no unit of
4 local government, including any home rule unit, may hereafter
5 enact any annexation ordinance or resolution, or require or
6 enter into any annexation agreement, that imposes energy
7 efficient building standards for residential buildings that
8 are either less or more stringent than the energy efficiency
9 standards in effect throughout the unit of local government,
10 including a unit of local government that is subject to State
11 regulation under the Code as provided in Section 15 of this
12 Act, at the time of construction. Furthermore, no unit of local
13 government that is enabled under the provisions of this Act to
14 regulate energy efficient building standards for residential
15 buildings in a manner that is more stringent than the energy
16 efficiency building standards for residential buildings
17 established under this Act may enact any annexation ordinance
18 or resolution, or require or enter into any annexation
19 agreement, that imposes energy efficient building standards
20 for residential buildings that are either less or more
21 stringent than the energy efficiency standards in effect
22 throughout the unit of local government.

23 Any unit of local government that has adopted, on or before
24 December 31, 2008, efficiency standards at least as stringent
25 as the 2006 International Energy Conservation Code may continue
26 to regulate energy efficient building standards that are more

1 stringent than the standards established pursuant to this Act.
2 However, no municipality may require energy efficiency
3 standards that are more restrictive than the energy efficiency
4 standards that are in effect throughout the municipality.

5 This Section is a denial and limitation of home rule powers
6 and functions under subsection (i) of Section 6 of Article VII
7 of the Illinois Constitution on the concurrent exercise by home
8 rule units of powers and functions exercised by the State.
9 Nothing in this Section, however, prevents a unit of local
10 government from adopting an energy efficiency code or standards
11 for commercial buildings that are more stringent than the Code
12 under this Act.

13 (Source: P.A. 93-936, eff. 8-13-04.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.".